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House Bill 4648 (Substitute H-2 as passed by the House)
Sponsor: Representative Kenneth Kurtz
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors and Human Services

Date Completed: 10-23-13

CONTENT

The bill would amend the Michigan Adoption Code to do the following:

- Include registration of a putative father with the Responsible Father Registry as a prerequisite for a determination of child custody.**
- Require a court to take specific actions if a putative father's parental rights were not terminated.**
- Prohibit a mother's or guardian's execution of a release of rights to a child from being used against the mother or guardian in a proceeding under the Child Custody Act.**

The bill would take effect January 1, 2014.

Responsible Father Registry

Currently, subject to certain provisions under the Code, if a putative father appears at a hearing and requests custody of a child, the court must inquire into his fitness and his ability to properly care for the child, and determine whether the best interests of the child will be served by granting him custody.

Under the bill, this would apply if the putative father had registered in a timely manner with the Responsible Father Registry. (The Responsible Father Registry would be established under House Bill 4659.)

Requirements if Putative Father Retained Rights

If a court determined that a putative father's parental rights would not be terminated, the bill would require the court to do all of the following: 1) terminate temporary placement under Section 23d, 2) return child custody to the mother or guardian, and 3) deny the order of adoption and dismiss the pending adoption proceeding.

(Section 23d provides for temporary placement of a child to a prospective adoptive parent by a parent or guardian with legal custody of the child, or by a placing agency with written authorization of a parent or guardian.)

Mother's Rights

Under the bill, after a court completed the actions that would be required when a putative father's rights were not terminated, if a mother or guardian executed or proposed to execute a release or consent relinquishing the mother's parental rights or the guardian's rights to the child and sought termination of the putative father's parental rights, that could not be used against the mother or guardian in a proceeding under the Child Custody Act.

The Code requires a court to enter an order granting custody of a child to the putative father if the child was born out of wedlock and the mother's parental rights are terminated. Under the bill, this would apply if the mother's rights were terminated and were not restored due to a court denial of an adoption.

MCL 710.39

Legislative Analyst: Glenn Steffens

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.